

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA

v.

(3) ROMAN GABRIEL LUNA

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CRIMINAL NO: 1:19-CR-192(3)-LY

ORDER DENYING MOTION FOR FURLOUGH AND COVID-19 MOTION

Before the Court is Defendant Roman Gabriel Luna's Motion for Furlough and COVID-19 Motion (Dkt. 395) filed on May 21, 2020. The Honorable Lee Yeakel referred the motion to the undersigned for disposition on May 27, 2020.

Luna asks to be furloughed in the custody of the U.S. Marshals Service on May 31, 2020, to attend his daughter's high school graduation the following day, June 1, 2020. Defendant also asks to remain on release due to the COVID-19 pandemic until his sentencing, which is scheduled for June 12, 2020.

The government opposes Defendant's request for release pending sentencing and also "opposes any form of furlough for Luna if he cannot be kept in the actual custody of the United States Marshal's Service for its duration." Dkt. 396 at 1 n.1.

After consideration of the motion, the Court is of the opinion that it should be denied. With respect to his furlough request, due to the general risks posed by the novel coronavirus – the same basis on which Defendant seeks release pending sentencing – requiring one or more deputy U.S. marshals to accompany Defendant to his daughter's graduation would present an unacceptable risk.

As for Defendant's COVID-19 motion, courts should evaluate the particularized risks posed to an individual defendant. *See, e.g., United States v. Rowe-Hodges*, --- F. Supp. 3d ----, 2020 WL 1969217, at *2 n.2 (E.D. Tex. Apr. 14, 2020); *United States v. Dunn*, 3:19-CR-503-X, 2020 WL 1862567, at *2 (N.D. Tex. Apr. 13, 2020). Here, Defendant has articulated no specific concerns that he is at heightened risk from the novel coronavirus. Thus, he has failed to establish that he should be released pending sentencing.

Defendant's Motion for Furlough and COVID-19 Motion (Dkt. 395) is **DENIED**.

SIGNED on May 28, 2020.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE